

Montgomery County Circuit Court Research Brief

Examining the “To Be Assigned” Docket

AUGUST 2013

Montgomery County Circuit Court maintains a “To Be Assigned” (TBA) docket because the number of cases requiring a hearing or trial exceeds the docket space for the presiding judges and masters. Cases placed on the TBA docket are limited to certain civil and family events (as identified by the court’s Assignment Office). The effective and efficient administration of justice is a core value and mission of Montgomery County Circuit Court. Therefore, it is important that cases placed on the TBA docket are reached in a timely manner. An uncontrolled TBA docket may result in additional costs and delay for parties. For these reasons, Montgomery County Circuit Court closely manages its TBA docket.

Since Fiscal Year 1999, the court has manually tracked TBA cases and their event outcomes. However, manual data collection has limited the court’s ability to comprehensively analyze dispositions of TBA cases and events, as well as the court’s scheduling practices. To address this data issue, in April 2011, the court automated the data collection for cases placed on its TBA docket.

The present analysis focuses on the number and percent of cases placed on the TBA docket and those “reached” by month between April 2011 and July 2013. A TBA case is considered “reached” when it is assigned to a courtroom and the scheduled event is held or is postponed by a party (or parties), or when the case has been removed from the TBA docket prior to or on the scheduled date because the scheduled event was disposed for a reason other than the court’s inability to hear the preceding.¹ In contrast, a case is “not reached” on the day of the scheduled event when the court was unable to hear the event due to judge unavailability or an error in the management of the case (e.g., notices weren’t sent or the case was not in the proper posture to proceed). Determinations of whether cases were “reached” or “not reached” were made by examining the docket entries in the court’s case management system, reviewing the case file, and listening to the recording of court proceedings. However, the determination was not always straightforward when hearings were postponed because postponement reasons were not collected for hearings in the court’s case management system before July 8, 2013. When it was unclear whether the case was “reached” or “not reached”, the analysis erred on the side of the court being at fault for not reaching the case.

Reached TBA Cases

Chart 1 provides the number of TBA cases and the percentage of those cases reached by month between April 2011 and July 2013. The number of cases placed on the TBA docket ranges from a low of 61 cases in April 2011 to a high of 132 cases in September 2011 with an average of approximately 103 cases per month and 5.0 cases per court day.² During the examination period, the average number of “reached” cases is 100 cases per month with a minimum of 58 (April 2011) and a maximum of 130 (September 2011 and April 2013). The overall percentage of cases “reached” during the reporting period is 97.7% and, at least 95% of TBA cases were reached except for July 2012 (92.7%).

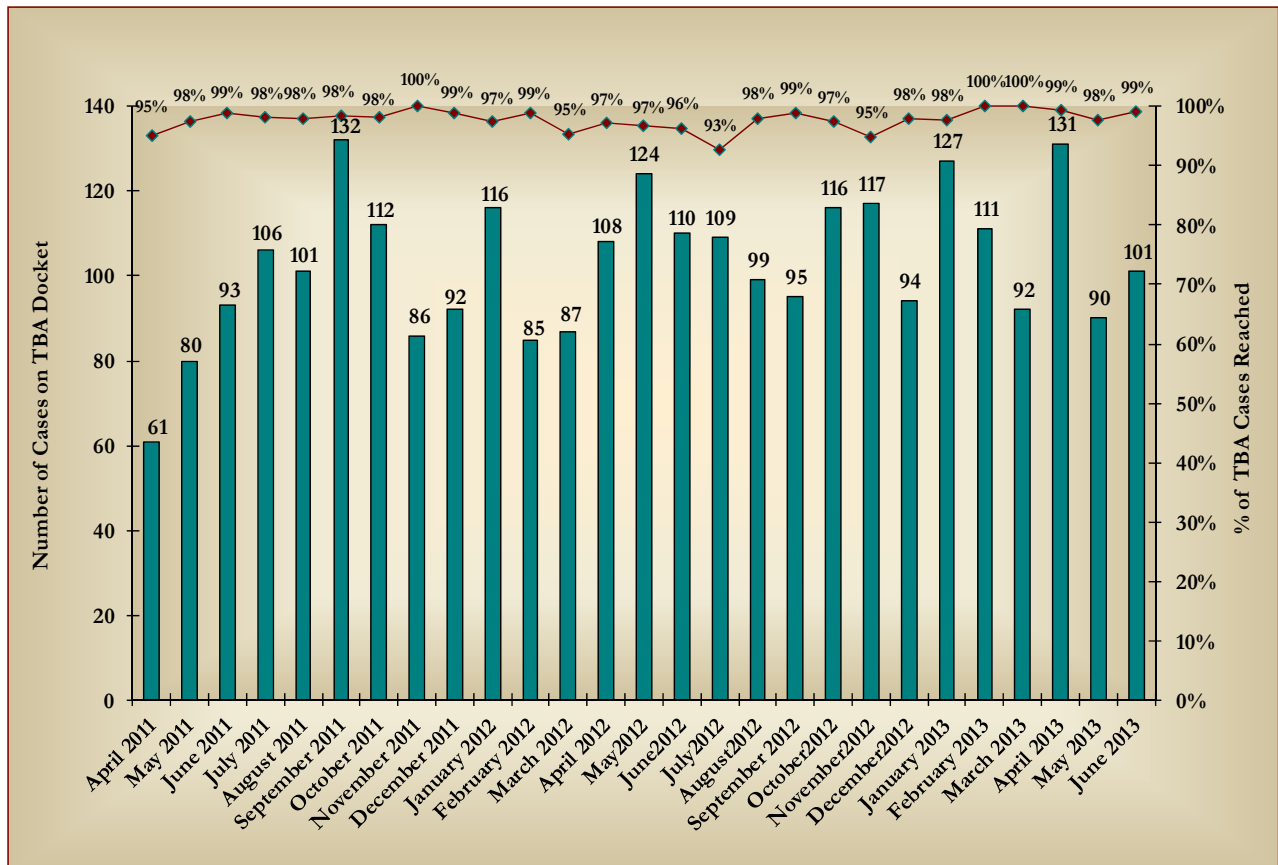
¹ “Reached” cases may also include those that have an event that was removed prior to the scheduled event date and was postponed by way of a motion or line filed pursuant to the Court’s postponement policy.

² Holidays and weekends were excluded from the calculation of court days per month.

Reached TBA Cases, Continued

As the chart indicates, the percentage “reached” is fairly constant and does not appear sensitive to the size of the TBA docket. A total of 63 cases were not reached during the study period, averaging two such cases per month. The primary reasons that the cases were “not reached” include parties not being able to wait for an available judge to hear the case, and cases not being in the proper posture because the correct paperwork was not filed or because the party was not informed about the court date.

Chart 1. Number of TBA Cases by Month and Percentage of those that are Reached, April 2011-July 2013



Conclusions

As a result of improved collection, tracking, and reporting of TBA information, the court is able to analyze its processing of TBA cases and their outcomes more accurately as well as communicate and use the information more effectively. The court plans to examine further the number of TBA cases and their associated outcomes in relation to the number of judges and masters available and the Assignment Office’s calendaring practices. In order to ensure efficient scheduling practices, it is important for parties promptly notify the Assignment Office about any cancellations in scheduled events and provide accurate trial time estimates. Requests for interpreters and ADA accommodations, as well as information about the number of out-of-state or out-of-country parties or witnesses should also be provided to the court at status/pre-trial and settlement/pre-trial hearings as this type of information is essential for the court to prepare the docket. Through routine examination of its own practices and with the assistance and cooperation from its patrons, the court will be able to achieve its mission of administering justice in an efficient and just manner.